



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

200400534

Issuance Date:

August 10, 2005

Stream: Unnamed Tributary, Scioto River

Closing Date:

September 9, 2005

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (reference above)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANT: National Lime and Stone.
2406 South Section Line Road
Delaware, Ohio 43015

LOCATION: The proposed project is located in two unnamed tributaries of the Scioto River west of South Section Line Road and South of U.S. Highway 36, in Delaware, Delaware County, Ohio.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place fill in approximately 10 linear feet of intermittent stream and excavate approximately 5,280 linear feet of intermittent stream in conjunction with the 255 acre advancement of a limestone quarry surface mine. The impacted streams would be relocated on site and replaced with approximately 6,570 linear feet of

created natural stream channel. A temporary channel would be constructed to divert water around the existing channel while the permanent replacement channel stabilizes. To accommodate potential flood events, two existing 60 inch round culverts under Klondike Road west of the project would be replaced with one 12 feet by 6 feet four sided box culvert.

Plans of the proposed work are attached to this notice.

A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

MITIGATION PLAN: The applicant has submitted a conceptual compensatory mitigation plan (CMP) to compensate for permanent impacts to waters of the United States regulated by the United States Army Corps of Engineers as described above.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that there no listed properties eligible for the register in the area affected by the project. A Phase I Archaeological Survey dated June 21, 2005 has been completed for the project area and will be provided with a copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of the project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The project is located within the known or historic range of the following endangered species:

Indiana Bat
Bald Eagle
Clubshell Mussel
Rayed Bean Mussel

The Huntington District has consulted the most recently available information and based on the proposed avoidance and minimization measures, the project is not likely to adversely affect the Indiana bat and will have no effect on the Bald eagle, Clubshell mussel, or Rayed Bean mussel or designated Critical Habitat for these Federally listed species. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both

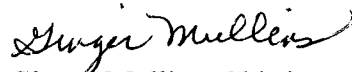
protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

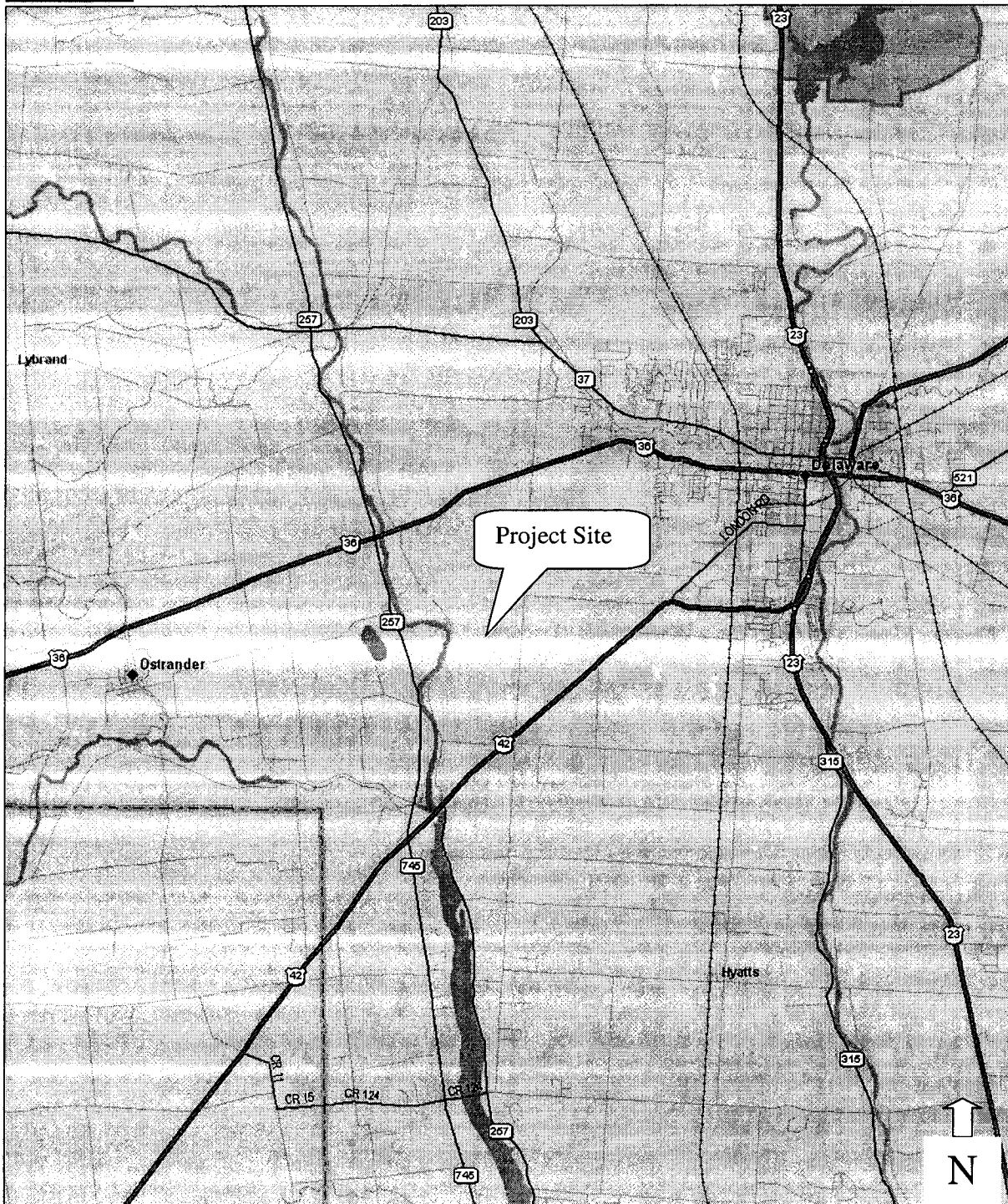
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Mr. Stan Walker, Regulatory Project Manager
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. Stan Walker of the North Regulatory Section at 304-399-5210.


Ginger Mullins, Chief
Regulatory Branch

(O)



Civil & Environmental Consultants, Inc.

Columbus, OH 43240

(614) 540-6633 1-888 598-6808

Cincinnati, OH Columbus, OH Indianapolis, IN Nashville, TN Chicago, IL St. Louis, MO

General Location Map
2406 South Section Line Road Site
Delaware, Ohio

Drawn By: BTA

Scale: 1" = 2000'

Date: 5/12/05

Project No.: 041-579

Figure 1 (7)



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Cincinnati, OH Columbus, OH Indianapolis, IN Nashville, TN Chicago, IL St. Louis, MO

USGS Topographic Map
2406 South Section Line Road Site
Delaware, Ohio

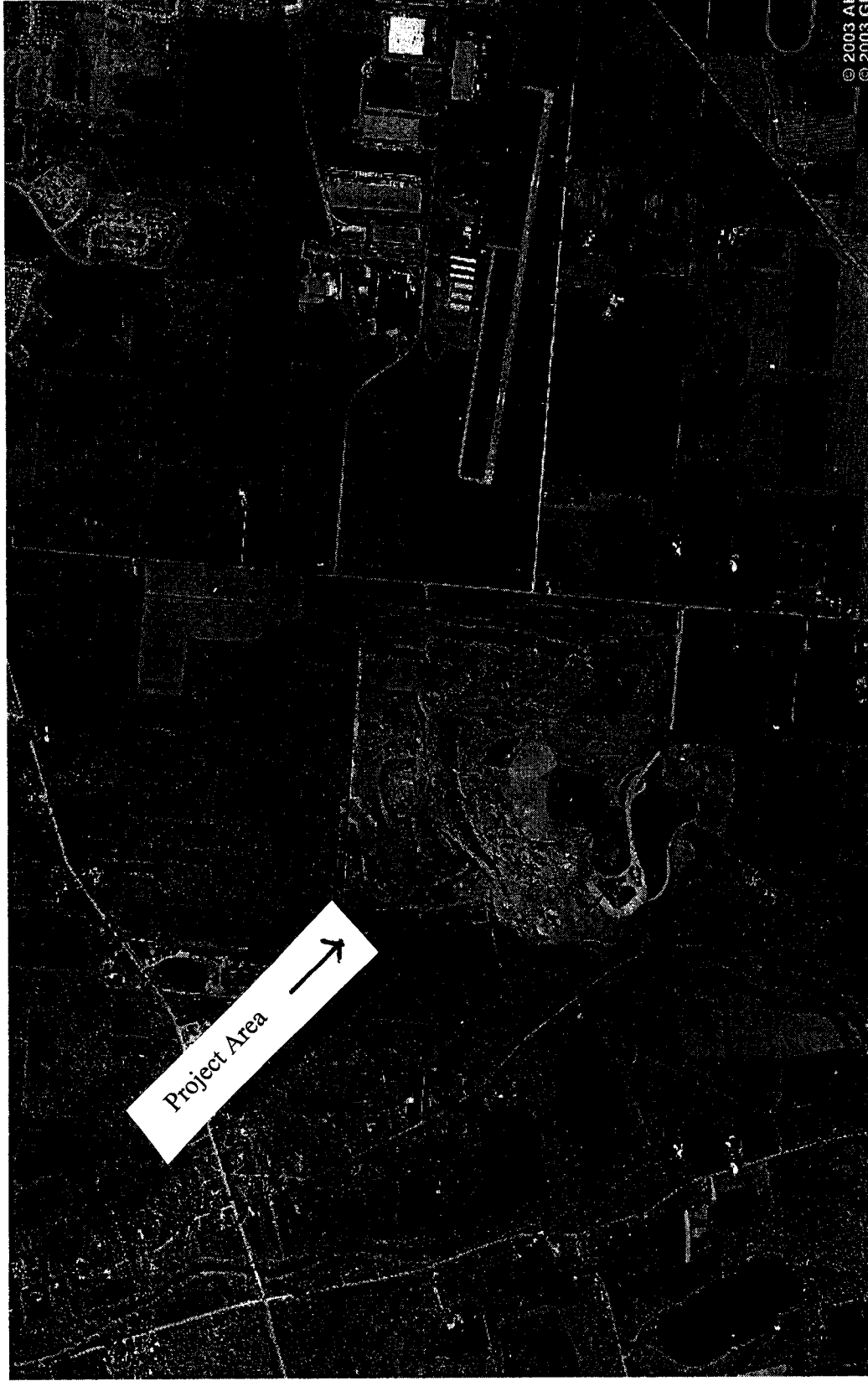
Drawn By: BTA

Scale: 1" = 2000'

Date: 5/13/05

USACE # 200400534

Figure 2 (7)



LEGEND:

- Existing Channel
- Proposed Channel
- Proposed Quarry Area
- ◆◆ Crossing Improvement

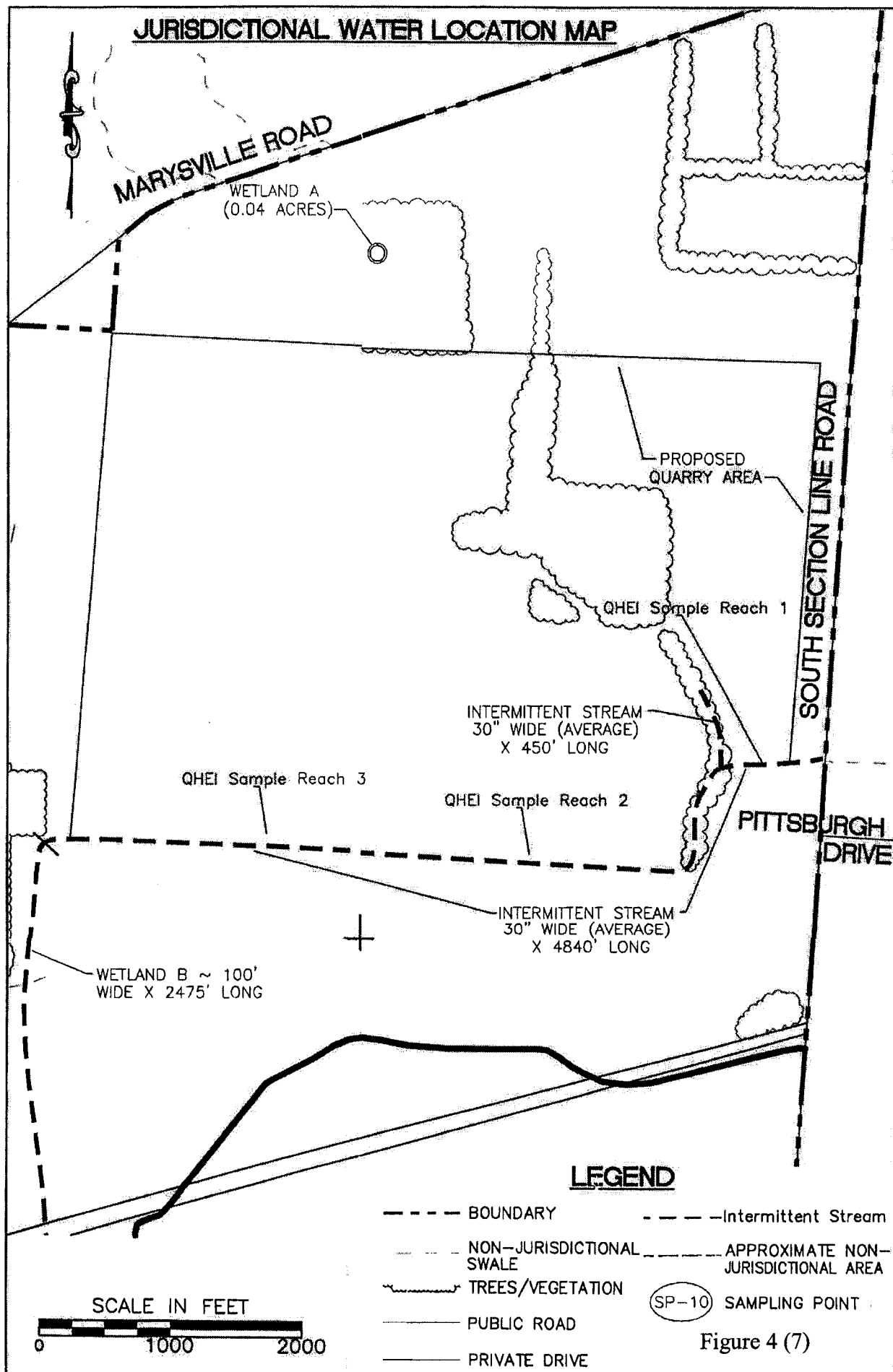


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Figure 3 (7)

2004 Aerial Photograph
 National Lime & Stone
 Delaware, Ohio
 USACE # 2004000534





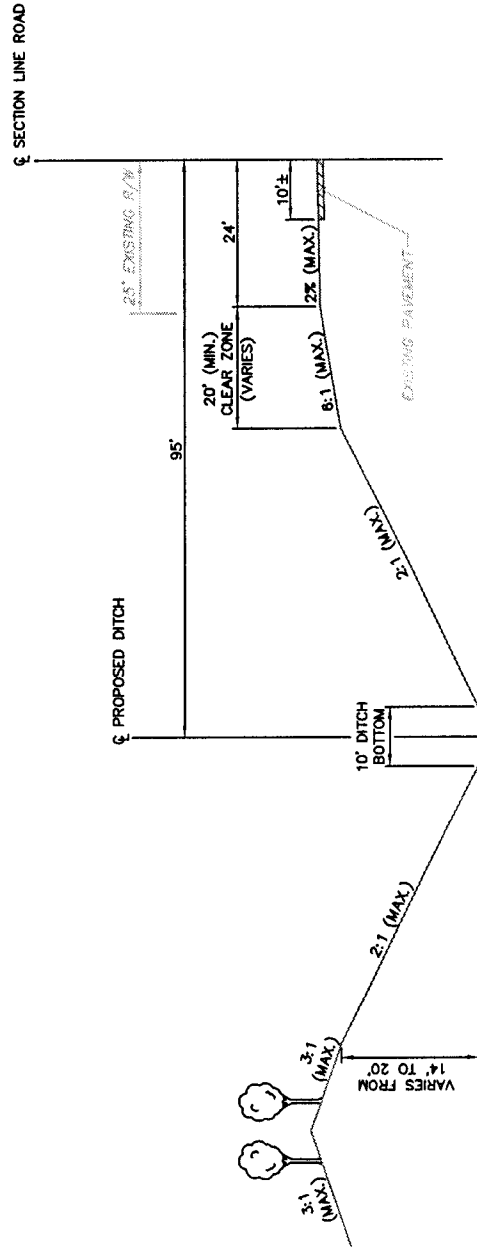
LEGEND	
	EX. STREAM
	PROP. STREAM
	WETLAND AREA

Figure 5 (7)

PREPARED BY:

Pomeroy & Associates
Consulting Engineers & Surveyors
 Ltd.

599 Scherers Court • Worthington, Ohio 43085
 Phone (614) 885-2498 • Fax (614) 885-2886



TYPICAL SECTION

SCALE: 1"=30'

Figure 6 (7)

PREPARED BY:

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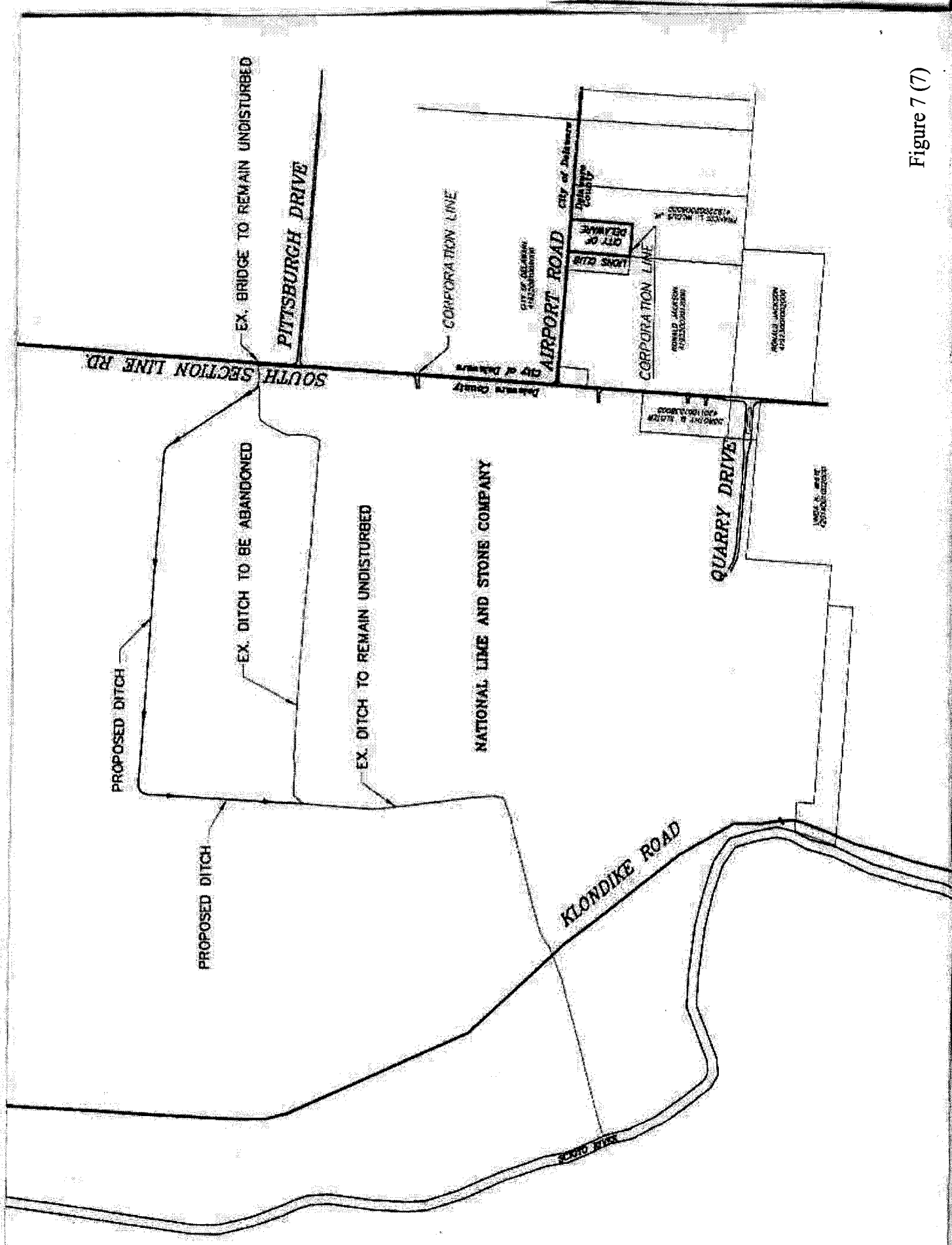


Figure 7 (7)